

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUSAN DEROSA,

Plaintiff,

BLOOD SYSTEMS, INC.,

Defendant.

Case No. 2:13-CV-00137-JCM-NJK

ORDER

Presently before the court is plaintiff Susan Derosa's motion to amend complaint. (Doc. # 15). Defendant Blood Systems, Inc. d/b/a United Blood Services filed a notice of non-opposition. (Doc. # 18).

This is a medical malpractice case. Plaintiff's motion to amend seeks to assert additional originally unforeseen aspects of legal theories that have been recently discovered as a result of discovery and expert witness affidavits.

Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." FED. R. CIV. P. 15. The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178 (1962), the Court explained: "In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc. – the leave sought should, as the rules require, be 'freely given.'" *Id.* at 182. In addition to the Rule 15(a) requirements, the local rules of federal practice in the District of Nevada require that a plaintiff submit a proposed, amended complaint along with a motion to amend. LR 15-1(a).


1 None of the illustrative examples given by the Supreme Court in *Foman* as grounds to
2 deny leave are apparent. Plaintiff has also complied with local rule 15-1(a) and attached the first
3 amended complaint to her motion. (Doc. # 15, ex. 1). Further, defendant does not oppose
4 plaintiff's request to amend. (Doc. # 18).

5 Finding good cause to permit amendment,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Susan
7 Derosa's motion to amend complaint (doc. # 15) be, and hereby is, GRANTED.

8 IT IS FURTHER ORDERED that plaintiff shall file the first amended complaint (*see*
9 doc. # 15, ex. 1) **within 10 days** of entry of this court's order.

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11 DATED this 22th day of May, 2013.

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16 UNITED STATES DISTRICT JUDGE
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